

IN THE CLAIMS

1. (currently amended) A prefabricated ~~asymmetrical~~ construction element for use after its manufacturing as an underlayment or backerboard comprising:

(a) a cementitious core having an upper principal face and a lower principal face;

(b) an impervious non-cementitious reinforcement **membrane web** on the lower principal face of the core, the impervious non-cementitious reinforcement **membrane web** remaining on the lower principal face of the core after the manufacture of the construction element;

(c) a cementitious bonding surface remaining on the upper principal face of the construction element after the manufacture of the construction element; and

(d) a non-cementitious surface remaining on the lower principal face of the construction element after the manufacture of the construction element;

the impervious non-cementitious reinforcement web having a sufficient tensile strength to provide the construction element with a flexural strength capable of supporting loads associated with elements used as an underlayment or backerboard;

the impervious non-cementitious reinforcement web having a resistance to free water penetration greater than or equal to that of felt paper;

the core including alkaline resistant fibers; and

the construction element being prefabricated.

2. (original) The construction element of Claim 1, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

3. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement **membrane web** comprising a reinforced polymer membrane.

4. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement **membrane web** comprising water impervious paperboard.

5. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement **membrane web** comprising spunbonded olefin.

6. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement **membrane web** comprising an alkaline resistant dense polymer fiber mat.

7. (previously presented) The construction element of Claim 2, the core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

8. (currently amended) A prefabricated asymmetrical construction element for use after its manufacturing as an underlayment or backerboard, the construction element having a top surface and a bottom surface, the construction element being asymmetrical in that the moisture resistant properties of the top surface are different from the bottom surface, the construction element comprising:

- (a) a core having an upper principal face and a lower principal face;
- (b) a pervious upper reinforcement material on the upper principal face of the core;
- (c) an upper cementitious coating in communication with the upper principal face of the core and the pervious upper reinforcement material;
- (d) an impervious non-cementitious reinforcement ~~membrane~~ web on the lower principal face of the core, the impervious non-cementitious reinforcement ~~membrane~~ web remaining on the lower principal face of the core after the manufacture of the cementitious panel;
- (e) a pervious cementitious bonding surface remaining on the upper principal face of the cementitious panel after the manufacture of the cementitious panel; and
- (f) a non-cementitious surface remaining on the lower principal face of the cementitious panel after the manufacture of the cementitious panel;

the impervious non-cementitious reinforcement web having a sufficient tensile strength to provide the construction element with a flexural strength capable of supporting loads associated with elements used as an underlayment or backerboard;

the impervious non-cementitious reinforcement web having a resistance to free water penetration greater than or equal to that of felt paper;

the cementitious panel having a core including cement, and

the cementitious panel being asymmetrical in design such that after manufacture, the ~~upper principal face~~ top surface includes ~~[[a]]~~ the pervious cementitious bonding surface and the ~~lower principal face~~ bottom surface includes ~~[[an]]~~ the impervious non-cementitious reinforcement ~~membrane and a non-cementitious lower surface~~ web.

9. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement **membrane web** comprising a single reinforced polymer membrane layer.

10. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement **membrane web** comprising water impervious paperboard.

11. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement **membrane web** comprising spunbonded olefin.

12. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement **membrane web** comprising an alkaline resistant dense polymer fiber mat.

13. (currently amended) The cementitious panel of Claim 8, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads, and

wherein there is only one impervious non-cementitious reinforcement **membrane web** for the construction element, that being located on the lower principal face of the construction element.

Claims 14-44 (canceled)

45. (currently amended) A prefabricated asymmetrical construction element for use after its manufacturing as an underlayment or backerboard, **the construction element having a top surface and a bottom surface, the construction element being asymmetrical in that the moisture resistant properties of the top surface are different from the bottom surface, the construction element** comprising:

- (a) a cement core having an upper principal face and a lower principal face;
- (b) a pervious reinforcement layer on the upper principal face of the core;
- (c) a cement slurry binding the reinforcement layer to the upper principal face of the core;
- (d) an impervious non-cementitious reinforcement **membrane web** layer on the lower principal face of the core, the impervious reinforcement **membrane web** having a non-

cementitious lower surface, the impervious **membrane web** remaining on the lower principal face of the core after the manufacture of the structural construction element;

(e) a pervious cementitious bonding surface remaining on the upper principal face of the structural construction element after the manufacture of the structural construction element; and

(f) a non-cementitious surface remaining on the lower principal face of the structural construction element after the manufacture of the structural construction element;

the structural construction element being asymmetrical in design such that after manufacture, the upper principal face includes a pervious cementitious bonding surface and the lower principal face includes an impervious non-cementitious reinforcement **membrane web** and a non-cementitious lower surface;

wherein there is only one impervious non-cementitious reinforcement **membrane web** for the construction element, that being located on the lower principal face of the structural construction element;

the impervious non-cementitious reinforcement **membrane web** barrier enabling water vapor to pass therethrough; and

the impervious non-cementitious reinforcement web having a sufficient tensile strength to provide the construction element ~~being a prefabricated structural element~~ **with a flexural strength** capable of supporting loads associated with elements used as an underlayment or backerboard;

the impervious non-cementitious reinforcement web having a resistance to free water penetration greater than or equal to that of felt paper;

46. (previously presented) The prefabricated asymmetrical structural construction element of Claim 45, the upper principal face and the lower principal face of the structural construction element have different moisture-resistant surfaces, respectively, on each.

Claims 47-48 (canceled)

49. (previously presented) The prefabricated structural asymmetrical cementitious panel of Claim 45, the core including alkaline resistant fibers.

50. (previously presented) The prefabricated structural asymmetrical cementitious panel of 49, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

51. (currently amended) The prefabricated structural asymmetrical cementitious panel of Claim 50, the impervious non-cementitious reinforcement ~~membrane~~ web comprising a reinforced polymer membrane.